

observer aboard vessels, platforms, aircraft, etc., to monitor the impact of activities on marine mammals.

(f)(1) As specified in the incidental harassment authorization, the holder of an incidental harassment authorization for Arctic waters must submit reports to the Assistant Administrator within 90 days of completion of any individual components of the activity (if any), within 90 days of completion of the activity, but no later than 120 days prior to expiration of the incidental harassment authorization, whichever is earlier. This report must include the following information:

- (i) Dates and type(s) of activity;
- (ii) Dates and location(s) of any activities related to monitoring the effects on marine mammals; and
- (iii) Results of the monitoring activities, including an estimate of the actual level and type of take, species name and numbers of each species observed, direction of movement of species, and any observed changes or modifications in behavior.

(2) Monitoring reports will be reviewed by the Assistant Administrator and, if determined to be incomplete or inaccurate, will be returned to the holder of the authorization with an explanation of why the report is being returned. If the authorization holder disagrees with the findings of the Assistant Administrator, the holder may request an independent peer review of the report. Failure to submit a complete and accurate report may result in a delay in processing future authorization requests.

(g) Results of any behavioral, feeding, or population studies, that are conducted supplemental to the monitoring program, should be made available to the National Marine Fisheries Service before applying for an incidental harassment authorization for the following year.

Subpart J—Taking of Ringed Seals Incidental to On-Ice Seismic Activities

SOURCE: 47 FR 21254, May 18, 1982, unless otherwise noted. Redesignated at 61 FR 15887, Apr. 10, 1996.

§ 216.111 Specified activity and specified geographical region.

Regulations in this subpart apply only to the incidental taking of ringed seals (*Phoca hispida*) by U.S. citizens engaged in on-ice seismic exploratory and associated activities over the Outer Continental Shelf of the Beaufort Sea of Alaska, from the shore outward to 45 miles (72 km) and from Point Barrow east to Demarcation Point, from January 1 through May 31 of any calendar year.

[58 FR 4093, Jan. 13, 1993]

EFFECTIVE DATE NOTE: At 58 FR 4093, Jan. 13, 1993 § 228.11 was revised, effective through December 31, 1997. At 61 FR 15887, Apr. 10, 1996, the section was redesignated as § 216.111.

§ 216.112 Effective dates.

Regulations in this subpart are effective from February 12, 1993 through December 31, 1997.

[58 FR 4093, Jan. 13, 1993]

EFFECTIVE DATE NOTE: At 58 FR 4093, Jan. 13, 1993 § 228.12 was revised, effective through December 31, 1997. At 61 FR 15887, Apr. 10, 1996, the section was redesignated as § 216.112.

§ 216.113 Permissible methods.

(a) The incidental, but not intentional, taking of ringed seals from January 1 through May 31 by U.S. citizens holding a Letter of Authorization is permitted during the course of the following activities:

(1) On-ice geophysical seismic activities involving vibrator-type, airgun, or other energy source equipment shown to have similar or lesser effects; and

(2) Operation of transportation and camp facilities associated with seismic activities.

(b) All activities identified in § 216.113(a) must be conducted in a manner that minimizes to the greatest extent practicable adverse effects on ringed seals and their habitat.

(c) All activities identified in § 216.113(a) must be conducted as far as practicable from any observed ringed seal or ringed seal lair. No energy source must be placed over an observed

ringed seal lair, whether or not any seal is present.

[47 FR 21254, May 18, 1982, as amended at 58 FR 4093, Jan. 13, 1993. Redesignated and amended at 61 FR 15887, 15890, Apr. 10, 1996]

EFFECTIVE DATE NOTE: At 58 FR 4093, Jan. 13, 1993 in § 228.13 paragraphs (b) and (c) were revised, effective through December 31, 1997. At 61 FR 15887, Apr. 10, 1996, the section was redesignated as § 216.113.

§ 216.114 Requirements for monitoring and reporting.

(a) Holders of Letters of Authorization are required to cooperate with the National Marine Fisheries Service and any other Federal, State, or local agency monitoring the impacts on ringed seals.

(b) Holders of Letters of Authorization must designate a qualified individual or individuals to observe and record the presence of ringed seals and ringed seal lairs along shot lines and around camps, and the information required in § 216.114(c).

(c) An annual report must be submitted to the Assistant Administrator for Fisheries within 90 days after completing each year's activities and must include the following information:

- (1) Location(s) of survey activities;
- (2) Level of effort (e.g., duration, area surveyed, number of surveys), methods used, and a description of habitat (e.g., ice thickness, surface topography) for each location;
- (3) Numbers of ringed seals observed, proximity to seismic or associated activities, and any seal reactions observed for each location;
- (4) Numbers of ringed seal lairs observed and proximity to seismic or associated activities for each location; and
- (5) Other information as required in a Letter of Authorization.

[47 FR 21254, May 18, 1982, as amended at 58 FR 4093, Jan. 13, 1993. Redesignated and amended at 61 FR 15887, 15890, Apr. 10, 1996]

EFFECTIVE DATE NOTE: At 58 FR 4093, Jan. 13, 1993 in § 228.14 paragraph (b) and paragraph (c) introductory text were revised, effective through December 31, 1997. At 61 FR 15887, Apr. 10, 1996, the section was redesignated as § 216.114.

Subparts K–L [Reserved]

Subpart M—Taking of Bottlenose Dolphins and Spotted Dolphins Incidental to Oil and Gas Structure Removal Activities

SOURCE: 60 FR 53145, Oct. 12, 1995, unless otherwise noted. Redesignated at 61 FR 15887, Apr. 10, 1996.

EFFECTIVE DATE NOTE: At 60 FR 53145, Oct. 12, 1995, subpart E to part 228 was added, effective Nov. 13, 1995 through Nov. 13, 2000. At 61 FR 15887, Apr. 10, 1996, subpart E to part 228 was redesignated as subpart M to part 216.

§ 216.141 Specified activity and specified geographical region.

(a) Regulations in this subpart apply only to the incidental taking of marine mammals by U.S. citizens engaged in removing oil and gas drilling and production structures in state waters and on the Outer Continental Shelf in the Gulf of Mexico adjacent to the coasts of Texas, Louisiana, Alabama, Mississippi, and Florida. The incidental, but not intentional, taking of marine mammals by U.S. citizens holding a Letter of Authorization is permitted during the course of severing pilings, well conductors, and related supporting structures, and other activities related to the removal of the oil well structure.

(b) The incidental take of marine mammals under the activity identified in paragraph (a) of this section is limited annually to a combined total of no more than 200 takings by harassment of bottlenose dolphins (*Tursiops truncatus*) and spotted dolphins (*Stenella frontalis* and *S. attenuata*).

§ 216.142 Effective dates.

Regulations in this subpart are effective from November 13, 1995 through November 13, 2000.

§ 216.143 Permissible methods of taking; mitigation.

(a) The use of the following means in conducting the activities identified in § 216.141 is permissible: Bulk explosives, shaped explosive charges, mechanical